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ATTORNEY DOCKET NO. 10017481 -1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Blaine D. Gaither et al

Confirmation No.: 5798

Application No.: 10/004195

Examiner: Elmore, Reba

Filing Date: Oct 31, 2001

Group Art Unit: 2187

Title: Computer Performance Improvement By Adjusting A Time Used For Preemptive Eviction  
Of Cache Entries

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

JUN 03 2005

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 04/04/2005, rejecting the following claims 1-8.  
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month \$120.00  
( ) two months \$450.00  
( ) three months \$1020.00  
( ) four months \$1590.00

( ) The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA  
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OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number 17031872-9306 on June 3, 2005

Number of pages: 1

Typed Name: Donna M Kraft

Signature: Donna M Kraft

Respectfully submitted,

Blaine D. Gaither et al

By A. W. Winfield

Augustus W Winfield

Attorney/Agent for Applicant(s)

Reg. No. 34,046

Date: June 3, 2005

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Telephone No.: 970 898 2147

PAGE 1/2 \* RCVD AT 6/3/2005 1:43:43 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/3 \* DNIS:8729306 \* CSID:970 898 7247 \* DURATION (mm:ss):01:12